

Amendment No. 2 to SB2396

Watson  
Signature of Sponsor

**AMEND Senate Bill No. 2396**

**House Bill No. 2143\***

by adding the following language immediately after "The state board shall issue a positive, neutral, or negative recommendation for the proposed categorizations." in § 49-3-105(b)(5) in the amendatory language of Section 1:

The state board's recommendation for the proposed categorizations must be included in the filing of the rule with the office of the secretary of state.

**AND FURTHER AMEND** by adding the following language immediately after "The state board shall issue a positive, neutral, or negative recommendation for the proposed direct allocation amounts." in § 49-3-105(c) in the amendatory language of Section 1:

The state board's recommendation for the proposed direct allocation amounts must be included in the filing of the rule with the office of the secretary of state.

**AND FURTHER AMEND** by adding the following language at the end of § 49-3-106(b) in the amendatory language of Section 1:

The state board's recommendation for the proposed outcome goals must be included in the filing of the rule with the office of the secretary of state.

**AND FURTHER AMEND** by deleting § 49-3-106(f)(1) in the amendatory language of Section 1 and substituting instead the following:

- (1) Three (3) directors of schools, one (1) selected from an LEA located:
  - (A) In an urban area in this state;
  - (B) In a suburban area in this state; and
  - (C) In a rural area in this state;

**AND FURTHER AMEND** by deleting § 49-3-108(d) in the amendatory language of Section 1 and substituting instead:

(d)

(1)

(A) Subject to available appropriations, the department shall distribute a grant to an LEA that:

(i) Is located within a county designated as distressed or at risk by the commissioner of economic and community development and for which the LEA's fiscal capacity and local contribution increase the LEA's maintenance of effort requirements pursuant to § 49-3-314(c)(3)(A); or

(ii) Is located within a county having an active tourism development zone agreement executed before July 1, 2023, and having a population of not less than ninety-eight thousand three hundred (98,300) nor more than ninety-eight thousand four hundred (98,400), according to the 2020 federal census or any subsequent federal census.

(B) An LEA that satisfies the criteria of subdivisions (d)(1)(A)(i) and (d)(1)(A)(ii) may receive multiple grants.

(2) Subject to available appropriations, the department shall distribute a cost differential factor (CDF) grant to an LEA located in a county in which the cost of living is greater than the statewide average. An LEA is eligible for a CDF grant if the LEA is located in a county for which the ratio between the county's non-governmental wages and the statewide non-governmental wages is greater than one (1), as calculated by the Boyd Center for Business and Economic Research at the University of Tennessee. The department shall determine the amount of a grant awarded to an eligible LEA pursuant to this subdivision (d)(2).

**AND FURTHER AMEND** by deleting § 49-3-112(a)(1) in the amendatory language of Section 1 and substituting instead the following:

(1) Establishes goals for student achievement, including the goal of seventy percent (70%) of the LEA's students in third grade taking the English language arts (ELA) portion of the Tennessee comprehensive assessment program (TCAP) tests achieving a performance level rating of "on track" or "mastered" on the ELA portion of the TCAP tests, in the current school year and explains how the goals can be met within the LEA's budget; and

**AND FURTHER AMEND** by deleting § 49-3-114 in the amendatory language of Section 1 and substituting instead the following:

**49-3-114. Progress review board.**

(a) Beginning on July 1, 2023, there is created a progress review board. The progress review board consists of:

- (1) The commissioner of education;
- (2) The chair of the state board of education;
- (3) Two (2) members appointed by the speaker of the senate; and
- (4) Two (2) members appointed by the speaker of the house of

representatives.

(b) Appointed members of the progress review board serve a term of two (2) years. If a member no longer meets the qualifications for the member's position on the board, then the member's position on the board is vacated.

(c)

(1) The board shall set an LEA's minimum goal to increase the LEA's third grade student-performance level rating of "on track" or "mastered" on the English language arts (ELA) portion of the Tennessee comprehensive assessment program (TCAP) tests by fifteen percent (15%) of the gap to seventy percent (70%) proficient in three (3) years, beginning with the results of the 2022-

2023 TCAP tests; provided, that this subdivision (c)(1) does not apply to an LEA with seventy percent (70%) or more of the third grade students in the LEA achieving a performance level of "on track" or "mastered" on the ELA portion of the TCAP tests. The board shall notify each LEA of the goal established pursuant to this subdivision (c)(1).

(2) The board shall annually review each accountability report submitted pursuant to § 49-3-112(a) to determine if an LEA is taking the proper steps to achieve the goal established pursuant to subdivision (c)(1).

(3) If, at the end of a three-year period as described in subdivision (c)(1), the board verifies that an LEA does not meet a goal established pursuant to subdivision (c)(1), then the board shall determine if further action is necessary based upon whether the LEA is taking the proper steps to achieve the goal as reviewed pursuant to subdivision (c)(2). If the board determines further action is necessary, then the board shall recommend that the commissioner of education require the LEA to complete training in addition to the requirements of § 49-3-110 on how to budget to increase student achievement based upon the goal set pursuant to subdivision (c)(1). If the board makes a recommendation described in this subdivision (c)(3), then the commissioner may require the LEA to complete training in addition to the training required in § 49-3-110.

**49-3-115. Rulemaking authority.**

(a) The department may promulgate rules to effectuate this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) Before the department begins the rulemaking process for a rule promulgated to effectuate this part, the department shall submit the department's proposed rule to the state board. The state board shall issue a positive, neutral, or negative recommendation

for the rule. The state board's recommendation for the rule must be included in the filing of the rule with the office of the secretary of state.

**AND FURTHER AMEND** by deleting Section 37 and substituting instead the following:

SECTION 37. Tennessee Code Annotated, Section 49-1-1003, is amended by deleting subsection (a) and substituting instead:

(a) The department of education shall establish and administer the Connie Hall Givens coordinated school health program. An LEA shall annually submit a coordinated school health plan to the department for approval. Each coordinated school health plan must include how the LEA intends to spend funds for student health and wellness, how the LEA currently addresses the health needs of school children, and who will serve as the school health coordinator.